

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
STEPHAN ROSSER-STEWART,)
Defendant)
Criminal No. 19-10104-ADB

ORDER FOR COMPETENCY EVALUATION

February 17, 2021

Hennessy, M.J.

Upon review of the assented-to motion of the United States for an evaluation to determine the competency of Defendant, Stephan Rosser-Stewart, to stand trial pursuant to 18 U.S.C. § 4241, and the sealed evaluation of Defendant's expert opining to a reasonable degree of medical certainty that Defendant is not currently competent to stand trial, this Court finds that there is reason to believe Defendant may currently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is able to understand the nature and consequences of the proceedings against him or to assist properly in his defense, within the meaning of 18 U.S.C. § 4241(a), and hereby orders as follows:

(1) Pursuant to 18 U.S.C. §§ 4241(b) and 4247(b), Defendant hereby is committed to the custody of the Attorney General for a period not to exceed thirty (30) days for placement in a suitable facility, designated by the Bureau of Prisons, closest to the court for purposes of the examination.

(2) Further, pursuant to 18 U.S.C. § 4247(c), the appropriate licensed or certified psychologists or psychiatrists at the facility to which Defendant is committed shall prepare a psychiatric report. The original of said report shall be filed under seal with the Court; copies shall be mailed or e-mailed to the Assistant United States Attorney Philip A. Mallard, Esq., Suite 9200, 1 Courthouse Way, Boston, MA 02210 (Philip.mallard@usdoj.gov) and to Defendant's counsel, Paul J. Garrity, Esq., 14 Londonderry Road, Londonderry, New Hampshire 03053 (garritylaw@myfairpoint.net), and Aaron R. Lazar, Esq. 85 Devonshire Street, 10th Floor, Boston, Massachusetts 02109 (attylazar@gmail.com). A hearing pursuant to 18 U.S.C. § 4247(d) will be scheduled upon receipt of the report.

The report shall include:

- (1) Defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnoses, prognosis, and whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The Department of Justice shall pay all expenses incurred in connection with the examination. When the Bureau of Prisons has designated the facility at which the examination is to take place, Pretrial Services shall make available to the examiner all Defendant's mental health records, if any, which it has been able to collect.

Defendant's counsel is directed to provide the designated facility with any existing psychiatric reports or evaluations. The United States is directed to file a report in 21 days from the date of this Order on the status of Defendant's designation and transportation.

/ s / David H. Hennessy
David H. Hennessy
United States Magistrate Judge